

# Morgan Lewis

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February 4, 2022

**VIA FOIA ONLINE**

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Re: Freedom of Information Request

Dear Sir or Madam:

In accordance with the Freedom of Information Act, 5 U.S.C. § 552, we hereby request that you make available for review and/or copying any and all documents, records and files, including supporting data and computer data, in the possession, custody, or control of the United States Environmental Protection Agency ("EPA") relating to the Red Hill Bulk Fuel Storage Facility ("Red Hill") underground storage tank ("UST") system that are responsive to this request and were not/will not be otherwise produced in response to Freedom of Information Request No. EPA-R9 2022-000466.

The below terms are defined as follows:

- The terms "DOCUMENTS" and "COMMUNICATIONS," as used herein, include, but are not limited to, records, memoranda, reports, notifications, investigations, electronic mail, correspondence, surveys, assessments, sampling data, testing data, raw laboratory data, photographs, video recordings, third party reports, interagency memoranda, memoranda of oral conferences, memoranda of telephone conversations, and memoranda of meetings.
- The term "FUEL RELEASE INCIDENT(S)," as used herein includes but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an underground storage tank or tank system.
- The term "RED HILL," as used herein, refers to the United States Department of the Navy's ("Navy") Red Hill UST system as it is described in the Navy's application for a permit to operate submitted to DOH on May 23, 2019, as corrected June 12, 2019, and includes USTs, pipelines, and other infrastructure.

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Specifically, please produce:

Red Hill Fuel Releases & Investigations of Releases

1. All DOCUMENTS and COMMUNICATIONS relating to any and all known or suspected FUEL RELEASE INCIDENTS at RED HILL. This request includes, without limitation:
  - a. All DOCUMENTS and COMMUNICATIONS relating to a known or suspected FUEL RELEASE INCIDENT that began on or about November 20, 2021, which released approximately 14,000 gallons of a mixture of fuel and water from the fire-suppression system at RED HILL, including, without limitation, the Navy's efforts to investigate and/or respond to the FUEL RELEASE INCIDENT.

Environmental Impacts

2. All DOCUMENTS and COMMUNICATIONS comprising or relating to water quality sampling, testing, and monitoring from the entire RED HILL monitoring well network, including Red Hill Shaft. This request includes, without limitation:
  - a. ALL DOCUMENTS and COMMUNICATIONS regarding any and all contamination found in water originating from the Red Hill Shaft, a drinking-water source for the United States Military on Oahu.
  - b. ALL DOCUMENTS and COMMUNICATIONS regarding any and all contamination found in water originating from the Navy's water distribution system at 'Aiea Hālawa Shaft.

Release Reporting

3. All DOCUMENTS and COMMUNICATIONS comprising or relating to notification of the EPA or any other regulatory agency of the known or suspected FUEL RELEASE INCIDENTS at RED HILL.

Red Hill Inspections

4. All DOCUMENTS and COMMUNICATIONS relating to any and all inspections or repairs conducted on pipelines or tunnels at RED HILL. This request includes, without limitation:
  - a. All DOCUMENTS and COMMUNICATIONS relating to pipeline FUEL RELEASE INCIDENT detection testing conducted on the supply piping in the RED HILL lower access tunnel that released fuel during the refilling of Tank 20 on or about May 6, 2021.

To the extent that there are any documents, or portions thereof, which EPA determines are exempt from disclosure and seeks to withhold, please provide us a listing of such documents as soon as possible and provide us with a listing of the names and titles or positions of each person responsible for the denial of such request as required under 5 U.S.C. § 552(a)(6)(C)(i).

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It is our understanding that by submitting this single request to your office, you will notify all appropriate divisions and departments within EPA to produce any and all responsive documents. If this is not correct, please contact us immediately. We are aware that costs for the fulfillment of this request may be over twenty-five dollars (\$25.00). We hereby confirm in advance our willingness to pay the costs for the fulfillment of the request up to one hundred dollars (\$100.00). If the costs are expected to exceed this amount, please contact me prior to performing any photocopying in excess of that amount. Additionally, we would appreciate a response to this request as soon as possible, and within the 20 days provided by 5 U.S.C. § 552(a)(6)(A)(i).

Please do not hesitate to contact me to discuss copying arrangements or any questions or additional information needed to conduct your search. Thank you for your assistance.

Sincerely,



Brady Witbeck